IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 3962 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GOPALBHAI LAKHUDAS PATEL - Applicant(s)
Versus
STETE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR MAHENDRA K PATEL for Applicant(s) : 1,
PUBLIC PROSECUTOR for Respondent(s) : 1,
None for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 27/07/2007

ORAL JUDGMENT

1. By way of this application under section 482 of the Cr.P.C., the applicant – original accused

has prayed for an appropriate order quashing and setting aside the order dated 31.1.2007 passed by the ld. Addl. JMFC, Vijapur in application below Exh.28 in Criminal Case No. 1114/2004.

2. It appears that the original accused No.1 has submitted an application below Exh.28 for taking appropriate cognizance under section 195 of the Cr.P.C. alleging inter alia that some correction was made in the record. The ld. Trial Court has considered the said application and has held that no case is made out under section 193 of the I.P.C. and even considering the correction, it was not likely to affect the ultimate result of the trial and therefore, the ld. Trial Court has rejected the application below Exh.28 in not granting the sanction for prosecution under section 195 of the Cr.P.C.

3. This Court has considered and gone through the impugned order and considering the observations made by the ld. Trial Court while rejecting application below Exh.28, no case is made out

for interference in exercise of the powers under Article 227 of the Constitution of India r.w. Section 482 of the Cr.P.C. It is, ultimately, for the subjective satisfaction for granting permission under section 195 of the Cr.P.C. Under the circumstances, present application is dismissed.

(M.R.Shah, J.)

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